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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH
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EDMUND G. BROWN JR.
Governor

May 28, 2014

Mr. Rick Sargent
Light House Pointe
26691 Plaza Drive Suite 100
Mission Viejo, CA 92691

CITATION NO. 02-03-14C-008
NITRATE MONITORING AND REPORTING VIOLATION

Enclosed is a citation issued to the Light House Pointe (System), public water system number 2300653, for failure to perform nitrate monitoring. Because this is an enforcement action for noncompliance with State regulations, your System will be billed at the Department's hourly rate (currently estimated at \$126.00) for the time spent issuing this citation. You will receive a bill for these fees sent from our Fee Billing Unit in Sacramento later this year.

If you have any questions regarding this matter, please contact Lori Hanson at (707) 576-2145.

Sincerely,

Michelle F. Frederick

Michelle F. Frederick, P.E.
Mendocino District Engineer
Drinking Water Field Operations Branch

Enclosures

c: Ruth Dobberpuhl
560 N. McPherson
Fort Bragg, CA 95437

Mendocino County Environmental Health Department

2300653/Compliance Section #6
Citation 02-03-14C-008-2300653-03/LSH

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Public Water System: Light House Pointe

Water System Number: 2300653

To: Light House Pointe
26691 Plaza Drive Ste. 100
Mission Viejo, CA 92691

Issue Date: May 28, 2014

CITATION FOR NON-COMPLIANCE
Section 64432.1, Title 22, California Code of Regulations
Monitoring and Reporting Violation for Nitrate
First Calendar Quarter 2014

Chapter 4, Article 9, Section 116550 of Part 12 of Division 104 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of Chapter 4 (California Safe Drinking Water Act), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the California Department of Public Health (Department) hereby issues a



1 citation to Light House Pointe (System) for failure to comply with Title 22,
2 California Code of Regulations (CCR) Section 64432.1.

4 **APPLICABLE AUTHORITIES**

5 Section 116650 of the CHSC states in relevant part:

7 (a) If the department determines that a public water system is in
8 violation of this chapter or any regulation, permit, standard,
9 citation, or order issued or adopted thereunder, the department
10 may issue a citation to the public water system. The citation shall
11 be served upon the public water system personally or by certified
12 mail. Service shall be deemed effective as of the date of personal
13 service or the date of receipt of the certified mail. If a person to
14 whom a citation is directed refuses to accept delivery of the
15 certified mail, the date of service shall be deemed to be the date
16 of mailing.

18 (b) Each citation shall be in writing and shall describe the nature of
19 the violation or violations, including a reference to the statutory
20 provision, standard, order, citation, permit, or regulation alleged to
21 have been violated.

23 (c) A citation may specify a date for elimination or correction of the
24 condition constituting the violation.

26 (d) A citation may include the assessment of a penalty as specified in
27 subdivision (e).



1 (e) The department may assess a penalty in an amount not to exceed
2 one thousand dollars (\$1,000) per day for each day that a
3 violation occurred, and for each day that a violation continues to
4 occur. A separate penalty may be assessed for each violation.

5
6 California Code of Regulations Section 64432.1(2) states:

7
8 For public water systems using groundwater, the repeat monitoring
9 frequency shall be quarterly for at least one year following any one
10 sample in which the concentration is greater than or equal to 50
11 percent of the MCL [Maximum Contaminant Level]. After four
12 consecutive quarterly samples are less than the MCL, a system may
13 request that the Department reduce monitoring frequency to annual
14 sampling.

15
16 California Code of Regulations Section 64469 states in relevant part:

17
18 (a) Analytical results of all sample analyses completed in a calendar
19 month shall be reported to the Department no later than the tenth
20 day of the following month.

21
22 (c) Analytical results shall be reported to the Department electronically
23 using the Electronic Deliverable Format as defined in The Electronic
24 Deliverable Format [EDF] Version 1.2i Guidelines & Restrictions dated
25 April 2001 and Data Dictionary dated April 2001.
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STATEMENT OF FACTS

The Light House Pointe is required to monitor the groundwater source Well 01 for nitrate in every calendar quarter, in accordance with Section 64432.1(2). To date, the Department has not received any laboratory results for a nitrate sample collected in the first quarter of 2014 for the Light House Pointe.

DETERMINATIONS

The Department has determined that the Light House Pointe is in violation of Section 64432.1(2), Title 22, of the CCR, because the System failed to perform nitrate monitoring in the second calendar quarter of 2014.

DIRECTIVES

The Light House Pointe is hereby directed to take the following actions:

1. Comply with Section 64432.1 and 64469, Title 22, of the California Code of Regulations in all future monitoring periods.
2. Notify all persons served by the System of the nitrate monitoring violation in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. Notification must be completed in accordance with each of the following:
 - a. Completion of Attachment A to include the name, address and telephone number of a System official as a source of additional information concerning the public notice. **You must also give a legible, written description (preferably typed) of the corrective actions taken by the System to prevent this**



1 violation from occurring in the future. You must use the
2 space provided on Attachment A for this written
3 description.

4 b. By continuous posting of the notice contained in Attachment A,
5 after it has been completed in accordance with (a) above, in
6 conspicuous locations throughout the area served by the Water
7 System. Posting must begin no later than **June 28, 2014** and
8 must continue for seven days.

9
10 c. By publication of the notice contained in Attachment A, after it
11 has been completed in accordance with (a) above, in a local
12 newspaper of general circulation in the area served by the
13 System (or weekly newspaper if no daily paper is available).
14 This notice must be published for one day. The publication in a
15 local newspaper must be completed by **June 28, 2014**.

16
17 3. A representative of the System shall complete the enclosed
18 Compliance Certification form and return it to the Department by **July**
19 **8, 2014**. A copy of the notice posted in conspicuous locations within
20 the water system and a copy of the newspaper publication must be
21 attached to the Compliance Certification Form.

22
23 All documents required by this Citation shall be submitted to the
24 Department at the following address:

25 Michelle F. Frederick, P.E., District Engineer
26 Mendocino District
Drinking Water Field Operations Branch
27 50 D Street, Suite 200
Santa Rosa, CA 95404



1 The Department reserves the right to make such modifications to this
2 Citation, as it deems necessary to protect public health and safety. Such
3 modifications may be issued as amendments to this Citation and shall be
4 effective upon issuance.

5 6 **PARTIES BOUND**

7 This Citation shall apply to and be binding upon the System, its officers,
8 directors, agents, employees, contractors, successors and assignees.

9 10 11 **SEVERABILITY**

12 The directives of this Citation are severable, and the System shall comply
13 with each and every provision thereof, notwithstanding the effectiveness of
14 any provision.



1 **FURTHER ENFORCEMENT ACTION**

2

3 Division 104, Part 12, Chapter 4, (commencing with Section 116270) of

4 the California Health and Safety Code authorizes the Department to: issue

5 additional citations with assessment of penalties if the System continues to

6 fail to correct a violation identified in a citation; take action to suspend or

7 revoke a permit that has been issued to a public water system if the

8 System has violated applicable laws or regulations or has failed to comply

9 with orders of the Department; and petition the superior court to take

10 various enforcement measures against a public water system that has

11 failed to comply with orders of the Department. The Department does not

12 waive any further enforcement action by issuance of this citation.

13

14 Michelle F. Frederick

May 28, 2014

15 Michelle F. Frederick, P.E.
16 District Engineer
Mendocino District

Date

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19 Certified Mail No. 7012 10100000 3983 8146



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2300653/Compliance Section #6
02-03-14C-008/LSH



COMPLIANCE CERTIFICATION

Citation Number : 02-03-14C-008

Name of Water System: **Light House Pointe**

System Number: **2300653**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violations of Title 22, California Code of Regulations. In addition, I certify that Light House Pointe complied with the directives of this citation as indicated below:

Required Action	Date Completed
Complete Attachment A, as required in Directive 2(a)	<input type="text"/>
Public Notification – Continuous Posting for 7 Days	<input type="text"/>
Public Notification – Newspaper	<input type="text"/>
_____ Signature of Water System Representative	_____ Date

Attach a copy of the notice published in the newspaper and a copy of the notice posted within the water system.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN JULY 8, 2014
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Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

Attachment A

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

Light House Pointe Failed to Sample for Nitrate

Our water system failed to monitor for the chemical nitrate in the first quarter of 2014, as required by the California Code of Regulations.

Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

What should I do?

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

What happened?

We are required by state regulations to monitor our drinking water for nitrate every calendar quarter. Results of this routine monitoring are an indicator of whether or not the drinking water meets health standards for this chemical. We did not test for nitrate during the first quarter of 2014 and therefore cannot be sure of the quality of the drinking water at that time.

What does this mean?

Infants below the age of six months who drink water containing nitrate in excess of the maximum contaminant level allowed by the regulations may quickly become seriously ill and, if untreated, may die because high nitrate levels can interfere with the capacity of the infant's blood to carry oxygen. Symptoms include shortness of breath and blueness of the skin. High nitrate levels may also affect the oxygen-carrying ability of the blood of pregnant women.

What corrective actions have been taken by Light House Pointe to prevent this violation from occurring in the future?

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

(name)

(address)

(phone number)